



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,834	06/15/2001	Brian D. Laughlin	38190/208850	9209
67141	7590	09/07/2007		
ALSTON & BIRD, LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER ADE, OGER GARCIA	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 09/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/882,834  
Filing Date: June 15, 2001  
Appellant(s): LAUGHLIN ET AL.

**MAILED**

**SEP 07 2007**

**GROUP 3600**

---

Andrew T. Spence  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on May 15<sup>th</sup>, 2007 appealing from the Office action mailed June 8<sup>th</sup>, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

20002/0010659	Cruse et al.	01-2002
5819232	Shipman	10-1998

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-9, 11-19, 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruse et al. (2002/0010659), in view of Shipman (5,819,232).

Cruse discloses a method for managing an inventory (210) of at least one product of a supplier (125, 135) that is provided to at least one customer (310 of multiple remote sites 110 (1, 2, 3, 4) wherein the at least one customer is capable of receiving and shipping out the at least one product, the method including the steps of: creating an open purchase order comprising an acceptable inventory range bounded by a lower limit and an upper limit for each product that the supplier provides to the at least one customer (via automatic reorders process as for example Min/Max Model ¶ [0092]), storing a supply amount of the at least one product in a storage unit that is remote from the supplier and proximate to the customer (via inventory 210 area near production line 205; or as disclosed in ¶ 0035), maintaining a product inventory count for each product representative of the amount of the product that is maintained in inventory by the at least one customer (via product/stock scanned), the maintaining includes: decreasing the product inventory count as the at least one customer ships out the respective product. Cruse further discloses storing the product invention count in an electronic file (via inventory software 440 e.g. a browser over internet 105). Each product includes at least one electronic identifier (via product parts number and/or bar code), and reading each electronic identifier (via scanner 220) as the customer ships out the respective product and immediately thereafter decreasing the product inventory

Art Unit: 3627

count by the number of products shipped out as identified by the electronic identifiers; and reading each electronic identifier as the customer receives the respective product from the storage unit and immediately thereafter increasing the product inventory count by the number of products received as identified by the electronic identifiers (see ¶ 0029).

However, Cruse fails to explicitly disclose increasing the product inventory count as the at least one customer receives additional amounts of the respective product, wherein the at least one customer receives the additional amount from the supply amount stored in the storage unit, and monitoring the product inventory count at a supplier location such that the supplier is capable of detecting when product inventory counts approach the respective lower limits, wherein the product inventory count approaches the respective lower limit when the product inventory count falls below a notification level greater than the lower limit and between the lower limit and the upper limit.

Shipman discloses the concept of using a computer model to control a manufacturing or distribution process, with the steps of determining a demand forecast by using an optimized historical weighting factor, determining an upper and a lower bound of a planned inventory by explicitly accounting for the customer order lead time, and computing a production schedule at predetermined intervals to maintain an actual inventory between the upper and lower bounds of the planned inventory.

Art Unit: 3627

Shipman further discloses the concept of safety stock levels to be carried by twenty to fifty percent (20 to 50%) compared to conventional inventory planning methods.

From this teaching of Shipman, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention management of Cruse to include the master production scheduling or distribution requirements planning taught by Shipman in order to facilitate the ordering process and provide better service for customers with fewer missed or late shipments.

#### **(10) Response to Argument**

In response to the appellant's argument concerning the 35 U.S.C. 103 (a) rejection of claims 1-9, 11-19, 59 and 60. The Appellants argue Cruse does not teach or suggest "monitoring inventory of a consumer at a supplier location (remote from the customer location) such that the supplier is capable of detecting when product inventory counts approach a lower inventory limit". Contrary to the appellant's assertion, the Examiner respectfully submits that Cruse discloses a method for facilitating inventory management and/or control with the steps of: inputting, at a first location, information associated with at least one stock; transmitting the information associated with at least one stock to a database; sending a purchase order from the database to a supplier responsive to the information associated with at least one stock; and **monitoring**, from a second location, the information associated with at least one stock and the purchase order. Furthermore, Shipman discloses the concept of using a computer model to control a manufacturing or distribution process, with the steps of determining a demand

Art Unit: 3627

forecast by using an optimized historical weighting factor, determining an upper and a lower bound of a planned inventory by explicitly accounting for the customer order lead time, and computing a production schedule at predetermined intervals to maintain an actual inventory between the upper and lower bounds of the planned inventory.

The combination of Cruse and Shipman are analogous because they are both concerned with inventory control system and computer program product.

References are selected as being reasonably pertinent to the problem based on the judgment of a person having ordinary skill in the art. It is necessary to consider the reality of the circumstances, in other words, common sense in deciding in which fields a person of ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor. *In re Wood*, 599 F.2d 1032, 1036, (C.C.P.A. 1979).

**(11) Related Proceeding(s) Appendix**


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Garcia Ade



Vincent Millin

Conferees:

Vincent Millin

Ryan Zeender

